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In the High Court of Punjab & Haryana at Chandigarh.

Date of decision : December 4th,2007.

Gurmukh Singh son of Sant Ram,
resident of Village Khumna, Tehsil Amloh,
District Fatehgarh Sahib. ...Petitioner.

vs.

Director Rural Development & Panchayats, Punjab,
Chandigarh (Exercising the powers of Commissioner) and others
...Respondents.

Coram: **Hon'ble Mr. Justice K.S.Garewal.**
Hon'ble Mr. Justice R.S.Madan.

Present: Mr.H.P.S.Ghuman,Advocate,for the petitioner.
Mr.N.S.Virk, Additional Advocate General, Punjab,
for respondents no.1 and 2.
Mr.Sukhjinder Singh, Advocate, for respondent no.3.

R.S.Madan, J.

This writ petition under Article 226 of the Constitution of India has been filed by the petitioner to quash the orders dated 23.2.2005, Annexure P1, and dated 20.12.2002, Annexure P2, passed by respondents no.1 and 2 respectively.

Brief facts of the case are that respondent no.3- Gram Panchayat filed a petition under Section 7 of the Punjab Village Common Lands Regulation Act, 1961, before the Collector/ District Development & Panchayat Officer, Fatehgarh Sahib, against the petitioner for his dispossession from the land (0-17) comprising in khewat khatoni no.241/ 313, khasra no.45//8 (8-10), situated at Village Khumna. It was further prayed therein that after the dispossession, the possession be given to the Gram Panchayat.

The said petition was contested by the petitioner by filing the written statement stating therein that he is not in possession of the land

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owned by the Gram Panchayat, therefore, the petition filed by the Gram Panchayat is not maintainable. Both the parties did not lead any documentary or oral evidence in support of their contentions. The Collector vide order dated 20.12.2002 (Annexure P2) accepted the petition of the Gram Panchayat by observing as under:-

> *"After hearing arguments of both the parties and examining the record on file, I have arrived at the conclusion that the counsel for the Respondent has not produced any documentary evidence regarding the disputed land of being the ownership and in possession of the Respondent. Only writing in the written statement or, by saying the counsel of the respondent in argument, the possession of the Respondent is not proved. Therefore, the application of the Applicant is accepted and the respondent is order to be dispossessed from the disputed land."*

Aggrieved by the order dated 20.12.2002, the petitioner filed appeal before the Director, Rural Development & Panchayats, Punjab (Exercising the Powers of Commissioner)- respondent no.1, which was also dismissed vide his order dated 23.2.2005 (Annexure P1).

Thereafter, the petitioner has filed the present writ petition.

Learned counsel for the petitioner contended that it is a case in which both the parties had not led any evidence in respect of their contentions before the revenue authorities, therefore, the orders of ejectment passed by respondents no.1 and 2 are not sustainable in the eyes of law.

After going through the impugned orders, we are of the view that in the absence of any copy of the jamabandi or any other revenue document, the orders, Annexures P1 and P2, nowhere show that the land in

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dispute is owned by the Gram Panchayat. There is nothing on the record to suggest that the petitioner is in possession of any portion of the land owned by the Gram Panchayat, Khumna. Resultantly, this writ petition is accepted and both the orders, Annexures P1 and P2, are hereby quashed.

(R.S.Madan)
Judge

December 4th,2007. **(K.S.Garewal)**
vs. **Judge**.